

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 1266R  
First Inventor Carl R. Simmons  
Title Maize Defense-Inducible Genes and Their Use  
Express Mail Label No. EL870385361US

17997 U.S. PTO  
10/650911

08/28/03

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 79]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Sheets 3]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Commissioner for Patents  
Mail Stop Patent Application  
P.O. Box 1450  
Alexandria VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Limited Recognition Statement

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)  
Prior application information: Examiner \_\_\_\_\_

of prior application No: 10 / 027,559

Art Unit: \_\_\_\_\_

For **CONTINUATION** or **DIVISIONAL** APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 27310 or ☐ Correspondence address below  
(Insert Customer No. or Attach bar code label here)

Name	Claire L. Moxon		
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Claire L. Moxon	Registration No. (Attorney/Agent)	Limited Recognition
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Signature	<i>Claire L. Moxon</i>	Date	Aug 28/03
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This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 750

Complete if Known

Application Number  
Filing Date August 28, 2003  
First Named Inventor Carl R. Simmons  
Examiner Name  
Art Unit  
Attorney Docket No. 1266R

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit  
Account  
Number

16-1852

Deposit  
Account  
Name

Pioneer Hi-Bred International, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	750	375			Utility filing fee	750
1002	2002	330	165			Design filing fee	
1003	2003	520	260			Plant filing fee	
1004	2004	750	375			Reissue filing fee	
1005	2005	160	80			Provisional filing fee	

SUBTOTAL (1)

(\$ 750

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
12	-20 ** = 0	X	= 0
Independent Claims	3	-3 ** = 0	X
Multiple Dependent		X	= 0

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	2202	18	9			Claims in excess of 20
1201	2201	84	42			Independent claims in excess of 3
1203	2203	280	140			Multiple dependent claim, if not paid
1204	2204	84	42			** Reissue independent claims over original patent
1205	2205	18	9			** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65			Surcharge - late filing fee or oath	
1052	2052	50	25			Surcharge - late provisional filing fee or cover sheet	
1053	1053	130	130			Non-English specification	
1812	1812	2,520	2,520			For filing a request for reexamination	
1804	1804	920*	920*			Requesting publication of SIR prior to Examiner action	
1805	1805	1,840*	1,840*			Requesting publication of SIR after Examiner action	
1251	2251	110	55			Extension for reply within first month	
1252	2252	410	205			Extension for reply within second month	
1253	2253	930	465			Extension for reply within third month	
1254	2254	1,450	725			Extension for reply within fourth month	
1255	2255	1,970	985			Extension for reply within fifth month	
1401	2401	320	160			Notice of Appeal	
1402	2402	320	160			Filing a brief in support of an appeal	
1403	2403	280	140			Request for oral hearing	
1451	1451	1,510	1,510			Petition to institute a public use proceeding	
1452	2452	110	55			Petition to revive - unavoidable	
1453	2453	1,300	650			Petition to revive - unintentional	
1501	2501	1,300	650			Utility issue fee (or reissue)	
1502	2502	470	235			Design issue fee	
1503	2503	630	315			Plant issue fee	
1460	1460	130	130			Petitions to the Commissioner	
1807	1807	50	50			Processing fee under 37 CFR 1.17 (q)	
1806	1806	180	180			Submission of Information Disclosure Stmt	
8021	8021	40	40			Recording each patent assignment per property (times number of properties)	
1809	2809	750	375			Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	2810	750	375			For each additional invention to be examined (37 CFR § 1.129(b))	
1801	2801	750	375			Request for Continued Examination (RCE)	
1802	1802	900	900			Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0

## SUBMITTED BY

Name (Print/Type) Claire L. Moxon

Registration No. Attorney/Agent

Limited Recognition

Telephone

515-253-2162

Signature

Claire L. Moxon

Date

August 28, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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